UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,475	11/25/2003	Roy D. Morris	FCENT.007A	6023

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
PUENTE, EMERSON C

ART UNIT	PAPER NUMBER
2113	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/721,475	MORRIS ET AL.
	Examiner	Art Unit	
	Emerson C. Puente	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 September 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _25 November 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This action is made **Final**. Claims 1-27 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No.

6,694,451 of Atkinson referred hereinafter "Atkinson '451".

Examiner notes that Atkinson '451 in column 13 lines 55-60 incorporates by reference

US Patent No. 6, 546,472 of Atkinson et al. referred hereinafter "Atkinson '472", which is

introduced in the rejection below

In regards to claim 1, Atkinson '451 discloses:

a short term memory (see column 1 lines 38-40);

an application program configured to store data in the short term memory (see column 1

lines 24-28);

a long term memory (see column 7 lines 38-41);

a store program configured to store data in the short term memory in the long term memory (see column 7 lines 38-41); and

a restore program configured to detect a discrepancy between data stored in the short term memory and data stored in the long term memory, and if a discrepancy is detected, to copy data related to the discrepancy from the long term memory in the short term memory (see column 9 lines 40-57).

In regards to claim 2, Atkinson '451 discloses:

wherein the store program is further configured to run automatically (see column 8 lines 3-7).

In regards to claim 3, Atkinson '451 discloses:

wherein the restore program is further configured to run automatically (see column 9 lines 44-46).

In regards to claim 4, Atkinson '451 discloses:

wherein the long term memory is at least one of a compact flash memory, a memory stick, a smart media card, a micro-drive, a USB flash drive, a secure digital memory, a multimedia card, and a hard drive (see column 7 lines 38-41; based on the interpretation that the applicant meant to claim "a long term memory" as explained in the 112 rejection stated above).

In regards to claim 5, Atkinson '451 discloses:

wherein the restore program is further configured to detect a discrepancy using check sum techniques (see column 9 lines 24-28).

In regards to claim 6, Atkinson '451 discloses:

wherein the data stored includes at least one of application program data, program

settings, binary files, queued messages, infrastructure data, communications software,

transactional data, communications software settings, system registry data, and database records

(see column 1 lines 24-37).

In regards to claim 7, Atkinson '451 discloses:

periodically storing data saved in short term memory to long term memory. Incorporated

by reference Atkinson '472 further discloses periodically storing data saved in short term

memory to long term memory (see column 4 lines 35-38);

detecting discrepancies between the data saved in short term memory and the data saved

in long term memory; and if discrepancies are detected, replacing the data saved in short term

memory with the data saved in long term memory (see column 9 lines 40-57).

In regards to claim 8, Incorporated by reference Atkinson '472 discloses:

wherein the data periodically saved in short term memory is automatic (see column 4

lines 35-38).

In regards to claim 9, Incorporated by reference Atkinson '472 discloses:

wherein the data periodically saved in long term memory is automatic (see column 4 lines

35-38).

In regards to claim 10, Atkinson '451 discloses:

wherein the discrepancies are automatically detected (see column 9 lines 40-58).

In regards to claim 11, Atkinson '451 discloses:

wherein the replacing the data saved in short term memory is automatic (see column 9 lines 40-58).

In regards to claim 12, Atkinson '451 discloses:

wherein the replacing the data saved in long term memory is automatic (see column 7 lines 38-41).

In regards to claim 13, Atkinson '451 discloses:

wherein the discrepancies are detected using check sum techniques (see column 9 lines 24-28).

In regards to claim 14, Atkinson '451 discloses:

wherein the data periodically saved in short term memory includes at least one of application program data, program settings, binary files, queued messages, infrastructure data, communications software, transactional data, communications software settings, system registry data, and database records (see column 1 lines 24-37).

In regards to claim 15, Atkinson '451 discloses:

receiving a first set of data from volatile memory (see column 9 lines 44-47);

receiving a second set of data from non-volatile memory (see column 9 lines 47-55); and

determining whether the first set of data matches the second set of data (see column 9 lines 44-55).

In regards to claim 16, Atkinson '451 discloses:

if the first set of data does not match the second set of data, replacing the first set of data with the second set of data in volatile memory (see column 9 lines 51-54).

In regards to claim 17, Atkinson '451 discloses:

determining whether the first set of data matches the second set of data comprises

determining whether the first set of data is an exact duplicate of the second set of data (see

column 9 lines 51-54).

In regards to claim 18, Atkinson '451 discloses:

if the first set of data does not match the second set of data identifying a subset of the first

set of data that does not match the second set of data (see column 9 lines 51-54).

In regards to claim 19, Atkinson '451 discloses:

wherein check sum techniques are used to determine whether the first set of data matches

the second set of data (see column 9 lines 24-28).

In regards to claim 20, Atkinson '451 discloses:

means for periodically storing data saved in short term memory to long term memory.

Incorporated by reference Atkinson '472 further discloses periodically storing data saved in short

term memory to long term memory (see column 4 lines 35-38);

means for detecting discrepancies between the data saved in short term memory and the

data saved in long term memory; and means for replacing the data saved in short term memory

with the data saved in long term memory if discrepancies are detected (see column 9 lines 40-

57).

In regards to claim 21, Atkinson '451 discloses:

periodically storing data saved in short term memory to long term memory. Incorporated

by reference Atkinson '472 further discloses periodically storing data saved in short term

memory to long term memory (see column 4 lines 35-38);

detecting discrepancies between the data saved in short term memory and the data saved

in long term memory; and if discrepancies are detected, replacing the data saved in short term

memory with the data saved in long term memory (see column 9 lines 40-57).

In regards to claim 22, Atkinson '451 discloses:

volatile memory (see column 1 lines 38-40);

an application program configured to store data in the volatile memory (see column 1

lines 24-28);

non-volatile memory (see column 7 lines 38-41);

a first module configured to access data in the volatile memory and store it in the non-

volatile memory (see column 7 lines 38-41); and

a second module configured to determine a discrepancy exists between data stored in the

volatile memory and data stored in the non-volatile memory, and at least partly in response to

determining discrepancy exists, to access data related to the discrepancy from the non-volatile

memory and to store the accessed data in the volatile memory (see column 9 lines 40-57).

In regards to claim 23, Atkinson '451 discloses:

wherein the first module is configured to automatically access data in the volatile

memory and automatically store it in the non-volatile memory (see column 8 lines 3-7).

In regards to claim 24, Atkinson '451 discloses:

wherein the second module is configured to automatically determine a discrepancy exists (see column 9 lines 40-58).

In regards to claim 25, Atkinson '451 discloses:

wherein the second module is configured to automatically access data related to the discrepancy from the non-volatile memory and to store the accessed data in the volatile memory (see column 9 lines 40-58).

In regards to claim 26, Atkinson '451 discloses:

wherein the second module is configured to use check sum techniques to determine whether a discrepancy exists (see column 9 lines 24-28).

In regards to claim 27, Atkinson '451 discloses:

where the data stored in volatile memory includes at least one of application program data, program settings, binary files, queued messages, infrastructure data, communications software, transactional data, communications software settings, system registry data, and database records (see column 1 lines 24-37).

Response to Arguments

Applicant's arguments filed September 11, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument pertaining to claim 1 that cites "Atkinson does not disclose 'a restore program configured to detect a discrepancy between data stored in the short term memory and data stored in the long term memory, and if a discrepancy is detected, to copy

data related to the discrepancy from the long term memory in the short term memory', examiner respectfully disagrees.

Atkinson discloses an algorithm (store program) that retrieves the stored signature, which is the CRC value of data in the hard drive (long term) memory, and compares that signature with signature calculated during resume operation, which is the CRC value of system (short term) memory, and if the signature do not match, contents of the system memory are restored from the hard drive (see column 9 lines 40-57), indicating "a restore program configured to detect a discrepancy between data stored in the short term memory and data stored in the long term memory, and if a discrepancy is detected, to copy data related to the discrepancy from the long term memory in the short term memory." Argument is moot. Examiner maintains his rejection

The arguments pertaining to the remaining claims are similar to that of claim 1 and as such remain rejected for reasons stated above.

In response to applicant's argument pertaining to Goodwin and Piwonka, examiner has withdrawn rejection. Argument is moot.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Emerson C. Puente whose telephone number is (571) 272-3652.

The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ecp

ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100